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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/776,554	02/11/2004	Bruce M. Russell	IR 7422-00	5454
23909	7590 07/05/2005		EXAMINER	
COLGATE-PALMOLIVE COMPANY 909 RIVER ROAD			. MANAHAN, TODD E	
PISCATAWAY, NJ 08855			ART UNIT	PAPER NUMBER
	•		3732	
		•	DATE MAIL ED. 07/05/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Diffice Action Summary Todd E. Manehan			Application No	. Applicant(<u>si</u>				
Examiner Todd E. Manshan 3732 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extension of time rine be enablety under the provisions of 37 CPR 1.75(6). In no event, however, may a raply be timely filed If the period for raply is specified above, the maximum distudery printing the distudery minimum of thing (30) days will be considered timely. If the period for raply is specified above, the maximum distudery printing the distudery minimum of thing (30) days will be considered timely. If the period for raply is specified above, the maximum distudery printing the distudency minimum of thing (30) days will be considered timely. If the period for raply is specified above, the maximum distudery printing the specified above, the first of the specified above, the first of the specified above, the first of the printing of the specified above, the first of the period of the communication of the communic		·		,	•				
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Application/Control Number: 10/776,554

Art Unit: 3732

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification does not provide support for the LED having a wavelength of 720-1550 nm.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 10-12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Salmon et al. (United States Patent No. 6,202,242).

Salmon et al disclose a powered toothbrush comprising a handle 102, and a cleaning head 102 attached to the handle. The cleaning head has an outer surface and cleaning elements in the form of bristles 168 extending from the outer surface and located in a cleaning field. A source of white light 120 is provided for emitting light energy to the users teeth. The handle is hollow. A power supply 134 is provided in the handle and a switch 126 is mounted externally of the handle so as to simultaneously actuate the light and the moveable section of the toothbrush (see col. 2, lines 63-67).

Claims 1-9 and 14-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Rizolu et al. (United States Patent No. 6,616,451).

Rizolu et al. disclose a manual toothbrush comprising a handle 4 housing a power supply and a cleaning head 5 attached to the handle. The cleaning head has an outer surface and cleaning elements in the form of bristles 8 extending from the outer surface and located in a cleaning field. A source of radiation, such as an LED (col. 3, line 39) is provided for emitting light energy to the users teeth. The radiation source may produce light in the 800-100 nm range (col. 6, lines 18-20) or in the 300-750 nm range (col. 8, lines 25-29) or in the 300-990 nm range (col. 8, line 43). Rizolu et al. further discloses a method of whitening teeth comprising applying and oxidizing agent in the form of toothpaste to ones teeth and brushing them with a toothbrush while radiating energy form the toothbrush (col. 5, lines 4-35).

Claims 1-7 and 10-15 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Chan et al. (United States Patent Publication No. 2005/0050658).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd E. Manahan whose telephone number is 571 272- 4713. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571 273-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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T.E. Manahan 22 June 2005 Todd E. Manahan Primary Examiner Art Unit 3732